

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201708267	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/05/2017 12:00 PM	Location of Incident: [REDACTED]	Precinct: 60	18 Mo. SOL 4/5/2019	EO SOL 4/5/2019	
Date/Time CV Reported Tue, 10/10/2017 7:26 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 10/06/2017 7:26 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Victoria Cann	02116	960498	060 PCT
2. POM David Elisashvili	09849	953838	060 PCT
3. POM Eduard Bilenkis	16592	950082	060 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Samir Alrubayai	02017	932249	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Eduard Bilenkis	Abuse: At Brighton Beach Avenue and Brighton 5th Street in Brooklyn, Police Officer Eduard Bilenkis threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Eduard Bilenkis	Abuse: At § 87(2)(b) [REDACTED], in Brooklyn, Police Officer Eduard Bilenkis threatened to remove § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
C.POM David Elisashvili	Abuse: At § 87(2)(b) [REDACTED], in Brooklyn, Police Officer David Elisashvili threatened to remove § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
D.POM Eduard Bilenkis	Force: At § 87(2)(b) [REDACTED], in Brooklyn, Police Officer Eduard Bilenkis used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Eduard Bilenkis	Discourtesy: At § 87(2)(b) [REDACTED], in Brooklyn, Police Officer Eduard Bilenkis spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
F.POM David Elisashvili	Abuse: At § 87(2)(b) [REDACTED], in Brooklyn, Police Officer David Elisashvili threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
G.POF Victoria Cann	Abuse: At the 60th Precinct stationhouse, Police Officer Victoria Cann did not process § 87(2)(b) [REDACTED]'s complaint regarding officers.	[REDACTED]
H.POM David Elisashvili	Abuse: At the 60th Precinct stationhouse, Police Officer David Elisashvili threatened to remove § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
I.POM David Elisashvili	Abuse: At the 60th Precinct stationhouse, Police Officer David Elisashvili threatened to arrest § 87(2)(b)	
J.POM David Elisashvili	Force: At the 60th Precinct stationhouse, Police Officer David Elisashvili used physical force against § 87(2)(b)	

Case Summary

On October 6, 2017, § 87(2)(b) came to the CCRB in person and filed this complaint.

On October 5, 2017, at approximately 12 p.m., in the vicinity of § 87(2)(b) in Brooklyn, PO Eduard Bilenkis of the 60th Precinct threatened to arrest § 87(2)(b) (**Abuse of Authority, Allegation A, § 87(2)(g)**). Inside of § 87(2)(b), in Brooklyn, § 87(2)(b) heard PO Bilenkis and his partner, PO David Elisashvili of the 60th Precinct, tell her ex-boyfriend, § 87(2)(b) in Russian that they could take § 87(2)(b) to a psychiatric ward (**Abuse of Authority: Allegations B and C, § 87(2)(g)**). At some point during this incident, an officer, PO Bilenkis, pushed § 87(2)(b) on her shoulder (**Force: Allegation D, § 87(2)(g)**). PO Bilenkis also told § 87(2)(b) that she would be taken to a psychiatric ward (**Abuse of Authority: Subsumed in Allegation B, § 87(2)(g)**).

PO Bilenkis called § 87(2)(b) “sychka” – which translates from Russian as “bitch” (**Discourtesy: Allegation E, § 87(2)(g)**).

While inside of § 87(2)(b), PO Elisashvili also threatened to arrest § 87(2)(b) (**Abuse of Authority: Allegation F, § 87(2)(g)**).

At approximately 1:30 p.m. that same day, § 87(2)(b) arrived to the 60th Precinct stationhouse. When § 87(2)(b) tried to file a complaint against PO Bilenkis and PO Elisashvili, PO Victoria Cann refused (**Abuse of Authority: Allegation G, § 87(2)(g)**).

PO Elisashvili then approached § 87(2)(b) and asked her to leave the stationhouse or else they would take her to a psychiatric ward or arrest her (**Abuse of Authority: Allegations H and I, § 87(2)(g)**). PO Elisashvili grabbed § 87(2)(b) by her hand, twisted it backwards, and pushed § 87(2)(b) towards the stairs of the stationhouse (**Force: Allegation J, § 87(2)(g)**).

Before § 87(2)(b) left, she called 311 to file a complaint against PO Elisashvili, at which time PO Elisashvili grabbed § 87(2)(b) by the hand in which she held her cell phone (**Force: Subsumed in Allegation J, § 87(2)(g)**).

§ 87(2)(b) was not arrested or issued any summons as a result of this incident. There is no video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: At Brighton Beach Avenue and Brighton 5th Street in Brooklyn, Police Officer Eduard Bilenkis threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: At § 87(2)(b), in Brooklyn, Police Officer Eduard Bilenkis threatened to remove § 87(2)(b) to the hospital.

Allegation (C) Abuse of Authority: At § 87(2)(b), in Brooklyn, Police Officer David Elisashvili threatened to remove § 87(2)(b) to the hospital.

Allegation (D) Force: At § 87(2)(b), in Brooklyn, Police Officer Eduard Bilenkis used physical force against § 87(2)(b)

Allegation (E) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Eduard Bilenkis spoke discourteously to § 87(2)(b)

Allegation (F) Abuse of Authority: At § 87(2)(b), in Brooklyn, Police Officer David Elisashvili threatened to arrest § 87(2)(b)

§ 87(2)(b) (BR 01) stated that on October 5, 2017, at approximately 12 p.m., she and her home attendant, § 87(2)(b) went to a pharmacy located on Brighton 6th Street to pick up § 87(2)(b)'s medication. § 87(2)(b) is disabled and uses a walker.

Two officers, PO Eduard Bilenkis and PO David Elisashvili, approached § 87(2)(b) and § 87(2)(b) as they were leaving the pharmacy. § 87(2)(b)'s ex-boyfriend, § 87(2)(b) with whom she has an ongoing dispute, was also present. PO Elisashvili and PO Bilenkis told § 87(2)(b) in Russian that § 87(2)(b) wanted to pick up his belonging from her apartment. § 87(2)(b) agreed to allow § 87(2)(b) to take his belongings, but asked PO Elisashvili and PO Bilenkis to accompany her because she was afraid of § 87(2)(b). The officers, § 87(2)(b) and § 87(2)(b) all went to § 87(2)(b)'s home at § 87(2)(b).

PO Elisashvili, PO Bilenkis, and § 87(2)(b) walked to § 87(2)(b)'s former bedroom in the apartment. § 87(2)(b) followed the officers and stood at the threshold of the bedroom. § 87(2)(b) heard PO Elisashvili and PO Bilenkis both say to § 87(2)(b) in Russian something to the effect of, “*Ny i chto izbival, tak nado bilo politsiu vizivat. Sledushchii raz vizovi politsiu, ee eche i v dukry otpravlyat*” [So what, you were hitting her. You should have called the police. Next time, call the police. She even might be taken to a mad house]. The bedroom door was wide open, but PO Elisashvili and PO Bilenkis were talking simultaneously, making it difficult for § 87(2)(b) to understand exactly what they were saying.

PO Bilenkis abruptly turned to § 87(2)(b), pushed her right shoulder, and shut the bedroom door. PO Bilenkis said nothing as he did so. § 87(2)(b) stumbled one or two steps back and leaned against the wall. § 87(2)(b) did not sustain any injuries. Through the closed door, § 87(2)(b) heard PO Bilenkis and PO Elisashvili say in Russian something to the effect of, “*Esli hochesh mi tebe pomozhem. Hochesh mi ee vivezem i ona zabudet dorogu v kvartiru. Mi tebe osvobodim kvartiru*” [If you want, we can help you. If you want, we can take her away and she will forget her way back to the apartment. We will vacate the apartment for you].

§ 87(2)(b) then opened the bedroom door and began to say to PO Bilenkis and PO Elisashvili in Russian, “*Vi mozhetе vivozit menya kyda ygodno*” [You can take me wherever you want], but PO Bilenkis interrupted her and said, “*Ti v psiyshky poedesh*” [You will go to a psychiatric ward]. § 87(2)(b) told PO Bilenkis that she wanted to file a complaint against § 87(2)(b). PO Bilenkis replied to § 87(2)(b) “*Ti pishi, pishi, sychka. Poshli tam v mashine napishem report*” [You write, write, bitch. Let’s go and write the report in the car].

PO Bilenkis and PO Elisashvili then left, leaving § 87(2)(b) in the bedroom. § 87(2)(b) refused to provide any statements to the CCRB investigation and asked not to be involved (BR 13).

§ 87(2)(b) (BR 02) stated that he began to have issues with his landlord, § 87(2)(b) about a month before this incident. § 87(2)(b) tried to evict § 87(2)(b) without returning his deposit. § 87(2)(b) turned off the lights in § 87(2)(b)'s bedroom, threw out his food, falsely claimed that she loaned him \$10,000, and lied to the police that he was assaulting her.

On October 5, 2017, § 87(2)(b) locked § 87(2)(b) from the apartment, preventing him from taking his belongings. § 87(2)(b) then went to the local authorities, who called the police on his behalf. Two male officers, PO Elisashvili and PO Bilenkis, arrived and went to § 87(2)(b)'s apartment. § 87(2)(b) allowed the officers to enter.

PO Bilenkis and PO Elisashvili were very courteous to § 87(2)(b). § 87(2)(b) did not hear officers curse at § 87(2)(b). § 87(2)(b) tell her that they were going to take her to a psychiatric ward, and did not see them use force against her. The officers explained to § 87(2)(b) that locking § 87(2)(b) from the apartment was illegal and that she could be arrested for it. § 87(2)(b) asked PO Bilenkis and PO Elisashvili not to arrest § 87(2)(b) because she is sick and elderly.

A day or two after this incident, § 87(2)(b) lied to the police, claiming § 87(2)(b) assaulted her. § 87(2)(b) was then arrested. § 87(2)(b) heard that § 87(2)(b) did the same thing to another tenant several years ago.

PO Bilenkis (BR 03) stated that on October 5, 2017, at 12:51 p.m., he received a call from § 87(2)(b), who told PO Bilenkis that § 87(2)(b) was locked out of his apartment. § 87(2)(b) asked PO Bilenkis to respond to § 87(2)(b) to speak to § 87(2)(b).

When PO Bilenkis and PO Elisashvili arrived, § 87(2)(b) told PO Bilenkis in Russian that his landlord, § 87(2)(b) locked him out from the apartment at § 87(2)(b). § 87(2)(b) had been renting a small bedroom in § 87(2)(b)'s apartment since April of 2017, for which he paid § 87(2)(b) \$700 monthly. PO Bilenkis asked § 87(2)(b) to go wait for them at § 87(2)(b). § 87(2)(b) complied.

Upon arrival to § 87(2)(b), PO Bilenkis saw § 87(2)(b) standing outside. § 87(2)(b) told PO Bilenkis that § 87(2)(b) had left with her home attendant, § 87(2)(b). PO Bilenkis and PO Elisashvili then canvassed the area for § 87(2)(b). PO Bilenkis and PO Elisashvili found § 87(2)(b) and § 87(2)(b) approximately two blocks away from § 87(2)(b) at Brighton Beach Avenue and Brighton 5th Street.

PO Bilenkis, PO Elisashvili, and § 87(2)(b) spoke to § 87(2)(b) in Russian. PO Bilenkis and PO Elisashvili both explained to § 87(2)(b) that locking § 87(2)(b) from the apartment was considered an illegal eviction for which she could be arrested. PO Bilenkis asked § 87(2)(b) if she would allow § 87(2)(b) to enter her apartment so he could pick up his belongings. § 87(2)(b) agreed.

§ 87(2)(b) then told PO Bilenkis that she had loaned § 87(2)(b) \$10,000, which he did return to her, and that she wanted to file a complaint against him for this. PO Bilenkis saw that § 87(2)(b) was shaking her head from side to side and making a circle motion around her temple with her finger, a gesture indicating to PO Bilenkis that there was something wrong with § 87(2)(b). § 87(2)(b) did not explain what she meant by this or provide any information about § 87(2)(b)'s mental health. PO Bilenkis then told § 87(2)(b) that he could not take her report against § 87(2)(b) and that she would need to address the matter in civil court. § 87(2)(b) claimed at some point that § 87(2)(b) was her boyfriend, but § 87(2)(b) denied this.

§ 87(2)(b), PO Bilenkis, and PO Elisashvili went to § 87(2)(b)'s apartment. § 87(2)(b) opened the door and allowed the officers to enter. PO Bilenkis, PO Elisashvili, and § 87(2)(b) went to § 87(2)(b)'s bedroom at the rear of the apartment. § 87(2)(b) and § 87(2)(b) stood in the hallway. PO Bilenkis was not sure if § 87(2)(b) ever approached § 87(2)(b)'s bedroom because the door was closed so he could not see her.

PO Bilenkis denied interacting with § 87(2)(b) or § 87(2)(b) while in the apartment. PO Bilenkis denied offering to help § 87(2)(b) by taking § 87(2)(b) to the psychiatric ward, and did not hear PO Elisashvili make this statement. PO Bilenkis denied threatening to remove § 87(2)(b) to the hospital or a psychiatric ward. PO Bilenkis did not believe there was any need to remove her to the hospital. PO Bilenkis denied pushing § 87(2)(b) on her shoulder or otherwise making physical contact with her. PO Bilenkis denied calling § 87(2)(b) a bitch in Russian, or using any profanity towards her during this incident. PO Bilenkis did not hear PO Elisashvili use any profanity towards § 87(2)(b).

PO Bilenkis and PO Elisashvili left after about 15 minutes.

PO Elisashvili (BR 04) confirmed PO Bilenkis' statement, with the following exceptions. After PO Elisashvili informed § 87(2)(b) that she could not lock § 87(2)(b) from the

apartment, § 87(2)(b) became very agitated and started to yell. PO Elisashvili did not remember what specific statements she made, but in general she seemed displeased with PO Elisashvili's explanation of illegal eviction. § 87(2)(b) asked PO Elisashvili to arrest § 87(2)(b). PO Elisashvili told § 87(2)(b) that he could not arrest § 87(2)(b) because he had not committed any crime. § 87(2)(b) said to PO Elisashvili, "How about you make a report about assault, rape, or few other crimes?" PO Elisashvili asked § 87(2)(b) to provide him with the specific dates these crimes occurred. § 87(2)(b) told PO Elisashvili that § 87(2)(b) assaulted her a day or two before this incident. PO Elisashvili asked § 87(2)(b) to show him injuries from the alleged assault. § 87(2)(b) had none.

After speaking to § 87(2)(b), PO Elisashvili went to § 87(2)(b)'s bedroom and asked § 87(2)(b) if he had assaulted § 87(2)(b) or had any sexual relationship with her. § 87(2)(b) said that § 87(2)(b) was lying and none of that ever happened. PO Elisashvili then spoke to § 87(2)(b) who told PO Elisashvili that she stays with § 87(2)(b) all the time, that § 87(2)(b) was lying, and that she did not witness any of these allegations.

PO Elisashvili then returned to § 87(2)(b) and told her that § 87(2)(b) and § 87(2)(b) had both denied her rape or assault allegations. § 87(2)(b) told PO Elisashvili that she did not care. PO Elisashvili told § 87(2)(b) that he could not take a false report against § 87(2)(b) and that making false reports to the police was a class A misdemeanor offense, for which she could be arrested. § 87(2)(b) still insisted on filing the report against § 87(2)(b).

At some point during this incident, § 87(2)(b) approached § 87(2)(b)'s bedroom and stood by the door without entering. PO Elisashvili did not know if PO Bilenkis spoke to § 87(2)(b) while in the apartment.

PO Elisashvili did not tell § 87(2)(b) that he and PO Bilenkis could help him by removing § 87(2)(b) to a psychiatric ward, nor did he hear PO Bilenkis say this. PO Elisashvili denied threatening to remove § 87(2)(b) to a psychiatric ward and did not hear PO Bilenkis do so. PO Elisashvili did not believe that there was any need to remove § 87(2)(b) to the hospital. PO Elisashvili did not see PO Bilenkis push § 87(2)(b) on her shoulder. PO Elisashvili did not hear PO Bilenkis call § 87(2)(b) a bitch in Russian, and did not do so himself.

No Threat, Resistance, or Injury Report was prepared for this incident (BR 12).

NYC Administrative Code § 26-521 (BR 16) states that it shall be unlawful for any person to evict or attempt to evict an occupant of a dwelling unit who has lawfully occupied the dwelling unit for thirty consecutive days or longer or who has entered into a lease with respect to such dwelling unit by: (1) using or threatening the use of force to induce the occupant to vacate the dwelling unit; or (2) engaging in a course of conduct which interferes with or is intended to interfere with or disturb the comfort, repose, peace or quiet of such occupant in the use or occupancy of the dwelling unit, to induce the occupant to vacate the dwelling unit including, but not limited to, the interruption or discontinuance of essential services; or (3) engaging or threatening to engage in any other conduct which prevents or is intended to prevent such occupant from the lawful occupancy of such dwelling unit or to induce the occupant to vacate the dwelling unit including, but not limited to, removing the occupant's possessions from the dwelling unit, removing the door at the entrance to the dwelling unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable.

A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, and constitutes a class A misdemeanor. NY CLS Penal § 240.50 (BR 18)

Patrol Guide Procedure 208-01 (BR 15), an officer may arrest a civilian if he has reasonable cause to believe that person has committed an offense.

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation (G) Abuse of Authority: At the 60th Precinct stationhouse, Police Officer Victoria Cann did not process § 87(2)(b)'s complaint regarding officers.

§ 87(2)(b) (BR 01) stated that on October 5, 2017, at approximately 1:30 p.m., she and § 87(2)(b) went to the 60th Precinct stationhouse because § 87(2)(b) wanted to file a criminal complaint against § 87(2)(b) as well as a complaint of misconduct against PO Elisashvili and PO Bilenkis. Upon entering the stationhouse, § 87(2)(b) approached the front desk and sat in her walker directly in front of the desk. She then spoke to a female officer, identified by the investigation as PO Victoria Cann. § 87(2)(b) sat in a chair by the side of the front desk.

§ 87(2)(b) informed PO Cann in English that she wanted to file a complaint against § 87(2)(b) and two officers with whom she had interacted earlier. PO Cann asked § 87(2)(b) to tell her what happened. § 87(2)(b) asked PO Cann to provide her Russian translation services so she could explain herself better. PO Cann told § 87(2)(b) that they do not provide translation services for Russians.

PO Elisashvili and PO Bilenkis then came from the rear of the stationhouse and approached the front desk. PO Bilenkis, PO Elisashvili, and PO Cann walked to a narrow hallway at the rear of the stationhouse. PO Elisashvili and PO Bilenkis spoke to PO Cann in English quietly, making it difficult for § 87(2)(b) to understand what their conversation was about. PO Cann gave some paperwork to PO Elisashvili and PO Bilenkis and they walked away. When PO Cann returned to the front desk, she told § 87(2)(b) in English that no one was going to speak to her and that they do not take complaints from Russians.

While at the 60th Precinct stationhouse, § 87(2)(b) called 311 to file a complaint against PO Elisashvili. The 311 operator told § 87(2)(b) to leave the stationhouse, provided her with the CCRB's contact information, and said a complaint would be filed with the CCRB. Eventually, § 87(2)(b) left the stationhouse without filing the complaint against PO Elisashvili or PO Bilenkis.

§ 87(2)(b) filed this complaint with the CCRB in person. The CCRB received no complaints forwarded from 311 or any other agency about this incident.

As was previously discussed, § 87(2)(b) refused to provide any statements to the investigation and asked not to be involved (BR 13).

PO Cann (BR 05) stated that on October 5, 2017, at approximately 1:30 p.m., § 87(2)(b) and her home attendant, § 87(2)(b) came to the 60th Precinct stationhouse. § 87(2)(b) approached

the TS Operator's desk and sat in her walker approximately one foot away from the desk, while § 87(2)(b) sat on the chair to the right side of the TS Operator's desk.

§ 87(2)(b) spoke very little English. PO Cann was able to understand that she wanted to speak to a Russian-speaking officer and that she had had some prior incident with two Russian-speaking officers. § 87(2)(b) did not further elaborate what happened during that earlier incident or why she wanted to speak to a Russian-speaking officer.

There are only two Russian-speaking officers, PO Bilenkis and PO Elisashvili, at the command. PO Cann went to the NCO office and told PO Bilenkis and PO Elisashvili that there was a female by the front desk who wanted to speak to them.

When PO Cann returned to the TS Operator's desk, § 87(2)(b) was still sitting in her walker in front of the desk. Because the other civilians could not pass § 87(2)(b) to reach the front desk, PO Cann asked § 87(2)(b) to move to the side. § 87(2)(b) did so. At that time, PO Elisashvili and PO Bilenkis came to the front desk to speak to § 87(2)(b). PO Cann then assisted the other civilians. § 87(2)(b) spoke to the officers in Russian. PO Cann does not understand or speak Russian. At some point, § 87(2)(b) approached the front desk and asked PO Cann for a pen. § 87(2)(b) did not say why she needed a pen and PO Cann did not see what § 87(2)(b) did with it.

PO Cann did not see § 87(2)(b) talking on her cell phone while she was at the stationhouse. PO Cann was never informed by PO Elisashvili or PO Bilenkis that § 87(2)(b) wanted to file a complaint against them. PO Cann denied refusing to take a complaint from § 87(2)(b) against PO Elisashvili or PO Bilenkis.

PO Elisashvili (BR 04) stated that on October 5, 2017, at approximately 1:37 p.m., he and PO Bilenkis arrived to the 60th Precinct stationhouse. Several minutes later, PO Cann approached PO Elisashvili and asked him to translate for a Russian-speaking female saying, "I do not understand her. She speaks Russian."

When PO Elisashvili approached the front desk, he saw § 87(2)(b) sitting in the walker in the vestibule area. PO Elisashvili told PO Cann that he had responded to § 87(2)(b)'s apartment earlier, that she was trying to evict her tenant illegally, and that she wanted to file false reports against him. After speaking to PO Cann, PO Elisashvili went to the vestibule area to speak to § 87(2)(b).

PO Elisashvili noted that at some point while speaking to § 87(2)(b) she noticed a CCRB poster hanging on the wall in the vestibule area. § 87(2)(b) then dialed the CCRB's number and told PO Elisashvili in Russian that she was calling "100 Church Street" to file a complaint against him. While on the phone, § 87(2)(b) asked PO Elisashvili to provide his name and shield number to her. PO Elisashvili approached § 87(2)(b) pointed on his shield and name plate and said, "Here it is." PO Elisashvili heard § 87(2)(b) read off his information and provide it over the phone.

PO Elisashvili did not hear § 87(2)(b) tell PO Cann that she wanted to file a complaint against him or PO Bilenkis, nor did he hear PO Cann refuse to process § 87(2)(b)'s complaint by saying that they do not take complains from Russians.

PO Bilenkis (BR 03) stated that before he left § 87(2)(b)'s apartment, § 87(2)(b) told him that she wanted to go to the stationhouse to file a complaint. § 87(2)(b) did not specify what kind of complaint she wished to file or against whom, nor did PO Bilenkis ask § 87(2)(b) to clarify. PO Bilenkis told § 87(2)(b) that she was more than welcome to go to the stationhouse to file a complaint.

PO Elisashvili spoke to § 87(2)(b) for approximately five minutes and then returned inside the stationhouse.

Approximately ten minutes later, PO Elisashvili returned, approached § 87(2)(b) again, grabbed her by the right hand, twisted it backwards, and proceeded to push § 87(2)(b) along with her walker towards the stairs located behind her. § 87(2)(b) did not sustain any injuries. § 87(2)(b) began to yell in English, “Do not touch me! Stop pushing me. Do not push me!” She was afraid that PO Elisashvili was going to push her down the stairs. At that time, two female visitors – described by § 87(2)(b) as young black females – entered the stationhouse, saw what was going on, and asked PO Elisashvili what he was doing. PO Elisashvili then released § 87(2)(b)'s hand and approached § 87(2)(b) who was sitting on the chair to the side of the front desk. PO Elisashvili said to § 87(2)(b) in Russian, “*Zaberi ee otsuda, a to mi ee inache v psiyhky otpravim*” [Get her- (referring to § 87(2)(b) out of here, otherwise we will take her to a psychiatric ward]. § 87(2)(b) did not respond to PO Elisashvili.

PO Elisashvili approached § 87(2)(b) again and asked her numerous times to leave the stationhouse. PO Elisashvili also said to § 87(2)(b) in Russian, “*V psiyhsky poedesh?*” [Will you go to a psychiatric ward?], and, “*Hochesh mi v prihuysky tebya otpravim esli ti otsuda ne ybereshya*” [We will take you to a psychiatric ward if you are not going to leave]. § 87(2)(b) ignored PO Elisashvili and did not leave the stationhouse.

At some point during this incident, § 87(2)(b) called 311. While on the phone with the 311 operator, PO Elisashvili approached § 87(2)(b) grabbed her by the hand in which she held her cell phone, and attempted to take it away, telling her to stop talking. § 87(2)(b) told PO Elisashvili to release her hand and that he had no right to touch her. PO Elisashvili then released § 87(2)(b)'s hand, and she was able to continue her conversation with 311.

After § 87(2)(b) spoke to the 311 operator, she and § 87(2)(b) left the stationhouse.

As was previously discussed, § 87(2)(b) refused to provide any statements to the investigation and asked not to be involved (BR 13).

PO Elisashvili (BR 04) stated that he after speaking to PO Cann, he walked to the vestibule area to speak to § 87(2)(b) told PO Elisashvili in Russian that she did not wish to speak to him, and requested to speak to another Russian-speaking officer. PO Elisashvili told § 87(2)(b) that if she came to the stationhouse wanting to file the same false reports against § 87(2)(b) no other officer would be provided to her.

§ 87(2)(b) became agitated and yelled at PO Elisashvili. PO Elisashvili told § 87(2)(b) that she could not yell at the stationhouse and that she was acting disorderly. PO Elisashvili asked § 87(2)(b) if she wanted to go to the hospital. § 87(2)(b) did not respond to PO Elisashvili.

PO Elisashvili then approached § 87(2)(b) and asked to speak to § 87(2)(b) informed PO Elisashvili that § 87(2)(b) has psychiatric issues and that she sees a psychiatrist weekly. PO Elisashvili did not remember if § 87(2)(b) specified what kind of psychiatric issues § 87(2)(b) is diagnosed with.

PO Elisashvili later said that he first spoke to § 87(2)(b) who informed him about § 87(2)(b)'s psychiatric issues, and then approached § 87(2)(b) and asked if she wanted to go to the hospital. PO Elisashvili did so because § 87(2)(b) was yelling and appeared very angry, and because § 87(2)(b) informed him about § 87(2)(b)'s psychiatric history. PO Elisashvili further added that § 87(2)(b)'s behavior at the stationhouse was more aggressive than it had been at her apartment and did not appear normal to him.

PO Elisashvili noted that § 87(2)(b) called the CCRB wanting to file a complaint against him, but he denied grabbing her hand while she was talking on the phone.

Eventually, § 87(2)(b) left the stationhouse voluntarily. PO Elisashvili did not remember if he asked § 87(2)(b) to leave the stationhouse. PO Elisashvili denied threatening to remove § 87(2)(b) to a psychiatric ward or arrest her if she did not leave the stationhouse, and said that he only asked her if she wanted medical attention. PO Elisashvili denied grabbing § 87(2)(b) by her hand, twisting it backwards, or pushing her to the stairs while she was sitting in the walker. PO Elisashvili denied making any physical contact with § 87(2)(b).

PO Cann (BR 05) stated that after PO Elisashvili approached § 87(2)(b) they stepped to the side of the TS Operator's desk, disappearing from her view. PO Cann then assisted other civilians. PO Cann heard PO Elisashvili and § 87(2)(b) speak Russian, but does not speak or understand the language and does not know what they talked about. PO Cann did not remember § 87(2)(b)'s or PO Elisashvili's tone of voice during their conversation, if § 87(2)(b) was yelling, or if the tone of their conversation suddenly changed at any point. PO Cann did not see PO Elisashvili speak to § 87(2)(b) while she was at the stationhouse.

PO Cann did not see PO Elisashvili grab § 87(2)(b) by her hand, twist it backwards, or push § 87(2)(b) along with her walker towards the stairs. PO Cann did not see PO Elisashvili grab § 87(2)(b) by her hand while she was talking on her phone. PO Cann never saw § 87(2)(b) on her cell phone. PO Elisashvili never informed PO Cann that § 87(2)(b) was acting disorderly, or told her that she could be arrested or removed to a psychiatric ward.

PO Bilenkis (BR 03) stated that upon arrival to the stationhouse, he went to the cafeteria – located approximately 50 feet away from the TS Operator's Desk at the rear of the stationhouse – and remained there throughout his lunch period. PO Bilenkis briefly observed § 87(2)(b) by the front desk when he initially entered the stationhouse. She appeared calm. PO Bilenkis denied having any conversation with § 87(2)(b).

At some point, PO Elisashvili entered the cafeteria and told PO Bilenkis that § 87(2)(b) was “acting out” without further explanation.

Sgt. Alrubayai (BR 06) did not recall this incident.

No Threat, Resistance, or Injury Report was prepared for this incident (BR 11). As was previously discussed, there was no video footage of it.

PO Elisashvili denied threatening to remove § 87(2)(b) to the hospital. PO Elisashvili claimed that he raised the possibility of § 87(2)(b) getting medical attention as a question, not as a threat. PO Elisashvili characterized his question as a good-faith attempt to get § 87(2)(b) medical aid based on information about her psychiatric history provided by § 87(2)(b) her care provider. PO Elisashvili denied that he threatened to forcibly remove § 87(2)(b) to the hospital. PO Elisashvili denied making physical contact with § 87(2)(b) or threatening to arrest her.

§ 87(2)(g), § 87(2)(b)

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§ 87(2)(g), § 87(2)(b)

Civilian and Officer CCRB Histories

- This is § 87(2)(b) s first CCRB complaint (BR 08).
- PO David Elisashvili has been a member of service for four years and has one CCRB allegation against him. § 87(2)(g)
- PO Eduard Bilenkis has been a member of service for six years and has one CCRB allegation against him. § 87(2)(g)
- PO Victoria Cann has been a member of service for a year and has no prior CCRB history.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of December 26, 2017, no Notice of Claim has been filed regarding this incident (BR 09).
- In the past ten years, § 87(2)(b) has no previous criminal convictions in New York City (BR 10).

Squad No.: 4

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date